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HOUSE BILL 937

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Jane E. Powdrell-Culbert

AN ACT

RELATING TO MEDICAL RECORDS; ESTABLISHING LIMITS ON FEES  
CHARGED FOR COPYING MEDICAL RECORDS; PROVIDING FOR TRIENNIAL  
ADJUSTMENTS TO FEES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 14-6-3 NMSA 1978 (being Laws 1999,  
Chapter 206, Section 1) is amended to read:

"14-6-3. ACCESS TO MEDICAL RECORDS [~~BY APPLICANTS FOR  
DISABILITY BENEFITS~~]--VIOLATIONS.--

A. Within thirty days of receiving a written  
request from a patient or former patient [~~who is applying for  
benefits based on social security disability or who is  
appealing a denial of such benefits~~] or from an authorized  
representative of such a patient or former patient, a health  
care provider shall furnish the requestor with a copy of that

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1 patient's medical records. [~~A fee as established by the~~  
2 ~~department of health may be charged by the health care provider~~  
3 ~~to the requestor for the copies or for the service in obtaining~~  
4 ~~the records.~~] A fee charged for copying medical records shall  
5 not exceed:

6 (1) for search and retrieval and other direct  
7 administrative costs related to search and retrieval of  
8 records, twenty dollars (\$20.00);

9 (2) for the first fifteen copies, one dollar  
10 (\$1.00) per page;

11 (3) for sixteen to forty copies, forty cents  
12 (\$0.40) per page;

13 (4) for forty-one copies or more, thirty cents  
14 (\$0.30) per page;

15 (5) for copies from microfilm, twenty dollars  
16 (\$20.00) for search and retrieval and one dollar fifty cents  
17 (\$1.50) per page;

18 (6) for mail delivery of the copy or copies,  
19 actual postage cost; or

20 (7) for records such as radiology films,  
21 models, photographs or fetal monitoring strips, the full cost  
22 of reproduction.

23 [~~B. A request made pursuant to Subsection A of this~~  
24 ~~section shall include a statement or document from the agency~~  
25 ~~that administers the benefits that confirms the application or~~

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1 ~~appeal.~~

2 ~~G.]~~ B. As used in this section:

3 (1) "health care provider" means a person who  
4 is licensed, certified or otherwise authorized by law to  
5 provide or render health care in the ordinary course of  
6 business or practice of a profession and includes a facility  
7 employing, or contracting with, such a person; and

8 (2) "medical records" means information in a  
9 medical or mental health patient file, including drug or  
10 alcohol treatment records, medical reports, clinical notes,  
11 nurses' notes, history of injury, subjective and objective  
12 complaints, test contents and results, interpretations of  
13 tests, reports and summaries of interpretations of tests and  
14 other reports, diagnoses and prognoses, bills, invoices,  
15 referral requests, consultative reports and reports of services  
16 requested by the health care provider.

17 ~~[D.]~~ C. Nothing in this section shall be  
18 interpreted to grant access for a patient or patient's  
19 representative to medical records that are otherwise protected  
20 by law.

21 ~~[E.]~~ D. The department of health shall enforce the  
22 provisions of this section and may impose a civil penalty in an  
23 amount not to exceed one hundred dollars (\$100) for a violation  
24 of this section. The department may promulgate rules necessary  
25 for the implementation and enforcement of the provisions of

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1 this section [~~including a fee schedule by obtaining records as~~  
2 ~~provided in Subsection A of this section for a patient who has~~  
3 ~~a financial ability to pay~~].

4 E. The department may adjust fees provided for in  
5 this section every three years in accordance with the percent  
6 increase or decrease in the medical component of the consumer  
7 price index."

8 Section 2. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is April 1, 2007.

10 Section 3. EMERGENCY.--It is necessary for the public  
11 peace, health and safety that this act take effect immediately.

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